

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1463 – HB 1881**

February 5, 2014

**SUMMARY OF BILL:** Requires competent expert testimony establishing the appropriate standard of care, for the development, recognition, or implementation of any guideline by any public or private payor or the establishment of any payment standard or reimbursement criteria under any federal laws or regulations related to health care to be construed to establish a legal basis for negligence or the standard of care or duty of care owed by a provider to a patient in any health care liability action. This requirement for expert testimony applies to compliance with such a guideline, standard, or criteria establishing a provider's compliance with the standard of care or duty of care owed by a provider to a patient in any health care liability action.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- According to the Department of Commerce and Insurance, there will not be an impact to the operations or regulatory duties of the Department.
- According to the Bureau of TennCare, the provisions of the bill will not impact any of the programs under the Division of Health Care Finance and Administration.
- According to the Department of Finance and Administration, the provisions of the bill should have little or no impact on the Division of Benefits Administration or its plans.
- According to the Department of Health, the proposed legislation should have minimal impact on the Department. The provisions would only apply insofar as actions may be brought against the state for malpractice by a health care provider and reiterates the current state of the law that expert testimony is necessary to establish the standard of care and a violation of the standard of care.
- The estimated fiscal impact of the legislation, if any, will most likely occur between two or more private parties.
- Any fiscal impact to the state or local governments is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/kml